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10/797,848	03/10/2004	Souk-Joung Joon	8836-230 (IB12296-US)	5659
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F. CHAU & ASSOCIATES, LLC 130 WOODBURY ROAD WOODBURY, NY 11797			EXAMINER	
			FINDLEY, CHRISTOPHER G	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,848

Applicant(s)

JOON ET AL.

Examiner

CHRISTOPHER FINDLEY

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/10/2007 have been fully considered but they are not persuasive.
2. Re claims 1, 8, and 13, the Applicant contends that the video data of Hibi is uncompressed and unsuitable for transmission over a cellular telephone network (Remarks: page 10, lines 1-2). However, the Examiner respectfully disagrees. Hibi discloses that the input motion picture data is subjected to compression coding in a motion picture coding portion 12 and coded motion picture data is output (Hibi: Figs. 1 and 2, element 12; paragraph [0068]).

Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combination of Hibi and Malone discloses a security system with a camera input (via Hibi) incorporating a cellular phone with a camera (via Malone).

3. Re claims 1, 8, and 13, the Applicant contends that Malone is generally directed towards a cellular camera phone that lacks an automatic security function (i.e., the cellular camera portion is manually controlled by a user and any transmission of image data is also manually controlled by the user) (Remarks: page 10, lines 3-6). However, the Examiner respectfully disagrees. Malone discloses that "the capture device is

controlled by a user through an input/output (I/O) interface (Malone: paragraph [0018]). User input, however, is not necessary for performing the process outlined in paragraphs [0018]-[0025] of Malone. Malone merely states that a log could be created by a user (Malone: paragraph [0019], emphasis added by Examiner), but not that a log must be created by the user. The remaining steps of the process outlined in paragraphs [0018]-[0025] of Malone are automated.

Furthermore, it was known at the time of the invention that merely providing an automatic means to replace a manual activity which accomplishes the same result is not sufficient to distinguish over the prior art, *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). For example, simply automating the step of creating a log of image data along with associated metadata gives you just what you would expect from the manual step as shown in Malone. In other words there would be no patentably distinct enhancement found in automating the log creation process. A computer can simply iterate the steps faster, and the result is the same.

Additionally, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

4. Re claims 1, 8, and 13, the Applicant contends that Malone fails to teach or suggest an alarm generator in cellular signal communication with the phone or an alarm video storage device in cellular signal communication with the phone. In response to

applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

5. Re claims 1, 8, and 13, the Applicant contends that the prior art cited (Hibi et al. in view of Malone et al.) fails to teach or suggest "a video mobile phone... automatically transmitting alarm control signals and alarm video frames... over a cellular telephone network" (Remarks: page 10, lines 9-14). However, the Examiner respectfully disagrees. The combined system of Hibi and Malone provides transmitting alarm control signals and alarm video frames responsive to the determined changes (Hibi: Fig. 5) in conjunction with a cellular network (Malone: paragraph [0020]).

6. Re claims 1, 8, and 13, the Applicant contends that the prior art cited fails to teach or suggest "an alarm generator in cellular signal communication with the video mobile phone" (Remarks: page 10, lines 9-14). However, the Examiner respectfully disagrees. The combined system of Hibi and Malone provides an alarm generator in signal communication with the video mobile phone for receiving the alarm control signals from the video mobile phone and generating an alarm (Hibi: paragraphs [0080] and [0084]) in conjunction with a cellular network (Malone: paragraph [0020]).

7. Re claims 1, 8, and 13, the Applicant contends that the prior art cited fails to teach or suggest "an alarm video storage device in cellular signal communication with the video mobile phone" (Remarks: page 10, lines 9-14). However, the Examiner respectfully disagrees. The combined system of Hibi and Malone, in the same field of

endeavor, i.e., security system, provides an alarm video storage device in signal communication with the video mobile phone for receiving and storing the alarm video frames transmitted from the video mobile phone (Hibi: Fig. 1, storage medium 18) in conjunction with a cellular network (Malone: paragraph [0020]).

8. Therefore, the Examiner maintains the previous rejection of claims 1-20 as being unpatentable over Hibi et al. (US 20020006163 A1) in view of Malone et al. (US 20060115111 A1). A modified copy of the previous rejection, reflecting the changes made to the claims via the amendment filed 12/10/2007, is included below.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hibi et al. (US 20020006163 A1) in view of Malone et al. (US 20060115111 A1).

Re claim 1, Hibi discloses a security system comprising: a camera having a security function (Hibi: paragraphs [0039]-[0040], the intruder detection indicates a security function) for capturing external images (Hibi: paragraph [0035]), determining changes from previous external images, and transmitting alarm control signals and alarm video frames responsive to the determined changes (Hibi: Fig. 5); an alarm generator in signal communication with the video mobile phone for receiving the alarm

control signals from the video mobile phone and generating an alarm (Hibi: paragraphs [0080] and [0084]); and an alarm video storage device in signal communication with the video mobile phone for receiving and storing the alarm video frames transmitted from the video mobile phone (Hibi: Fig. 1, storage medium 18). Hibi does not specifically disclose that a video mobile phone is used for capturing input images to be stored on the storage medium, or that communication is conducted over a cellular telephone network. However, Malone discloses an apparatus for capturing information as a file and enhancing the file with embedded information, in which the capture device may be a cell phone that has a camera (Malone: paragraph [0018] and Fig. 1, capture device 102). Malone also discloses that the system incorporates a cellular telephone network (Malone: paragraph [0020]). Since both Hibi and Malone relate to capturing video and processing the captured video to be stored on a storage medium, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the wireless functionality and certification procedure of Malone with the image processing apparatus of Hibi in order to improve the versatility (i.e., portability) and strengthen the fortitude of the security function of Hibi by utilizing a smaller camera which can transmit encrypted data to a remote storage facility (Malone: paragraph [0008]). The combined system of Hibi and Malone has all of the features of claim 1.

Re claim 2, the combined system of Hibi and Malone discloses that the video mobile phone comprises: a video input device for capturing and inputting external images into the video mobile phone (Malone: paragraph [0018]); a video processor for comparing video frames inputted from the video input device to generate result values

and compressing the alarm video frames according to control signals (Hibi: Fig. 1, the Motion Picture Coding Portion 12 is controlled by the Operation Control Portion 14, which is influenced by the Change Detection Portion 13); and an alarm controller for generating control signals to control the alarm according to the result values generated by the video processor (Hibi: Fig. 1, Operation Control Portion 14).

Re claim 3, the combined system of Hibi and Malone discloses that the video processor comprises: a video storage device for storing at least one of captured video frames inputted from the video input device and sampled video frames (Malone: Fig. 1, secure storage facility 138); a video comparator for comparing the video frames stored in the video storage device to generate result values (Hibi: paragraph [0173]; Fig. 1, Change Detecting Portion 13 compares target frame with reference frame); and a video converter for compressing (Hibi: Fig. 1, Motion Picture Coding Portion 12) and transmitting (Malone: Fig. 1, Tx 134) the video frames according to control signals from the alarm generator (Hibi: Fig. 1, recording control portion 17 determines whether to store video in the storage medium).

Re claim 4, the combined system of Hibi and Malone discloses that the video comparator compares the sum of absolute values of differences between the pixel luminance of a current video frame and the pixel luminance of a stored arbitrary video frame with a threshold value defined by an user, thereby generating result values (Hibi: Fig. 5; paragraphs [0173] and [0176]-[0177]).

Re claim 5, the combined system of Hibi and Malone discloses that the video processor comprises: a video converter for converting the inputted video to generate alarm video according to control signals from an alarm controller and decoding the converted video frames (Hibi: Fig. 1, Motion Picture Coding Portion 12); a compressed video generator for generating compressed video with video signals generated during decoding by the video converter (Hibi: Fig. 1, Motion Picture Coding Portion 12); and a video comparator for comparing the compressed video to generate the result values (Hibi: Change Detecting Portion 13).

Re claim 6, the combined system of Hibi and Malone discloses that the compressed video is produced with a DC coefficient selected from the decoding and a motion vector (Malone: [0022], MPEG uses motion vectors for motion estimation and compensation as well as Discrete Cosine Transforms, which generate a DC coefficient).

Re claim 7, the combined system of Hibi and Malone discloses that the video comparator compares the sum of absolute values of differences between the pixel luminance of a current video frame and the pixel luminance of a stored arbitrary video frame with a threshold value defined by an user, thereby generating result values (Hibi: paragraphs [0173] and [0176]-[0177]).

Re claim 8, the combined system of Hibi and Malone discloses a security system utilizing a method of securing using a video mobile phone (Malone: Fig. 1, capture device 102; paragraph [0018]) having a securing function (Hibi: paragraphs [0039]-[0040], the intruder detection indicates a security function), comprising the steps of: a)

setting a security mode (Hibi: paragraphs [0039]-[0040]) and a threshold value (Hibi: paragraphs [0176]-[0177]) with the securing function as a basis for determining whether there is motion relative to the video mobile phone (Hibi: paragraph [0173]); b) inputting external images captured with a camera of the video mobile phone into the video mobile phone in the set security mode (Hibi: Fig. 1, camera portion 11); c) processing video frames for at least one of compressing (Hibi: Fig. 1, Motion Picture Coding Portion 12) and storing the inputted video frames (Hibi: Fig. 1, Recording Control Portion 17) and comparing the video frames to generate result values (Hibi: Fig. 5); d) automatically signaling an alarm (Hibi: paragraph [0084]) over a cellular telephone network (Malone: paragraph [0020]) according to a result of comparing the video frame (Hibi: paragraphs [0085]-[0090]); and f) automatically transmitting the alarm video frames inputted to the video mobile phone (Hibi: Fig. 3, automatically recording) over the cellular telephone network (Malone: Fig. 1, transmitting element 136) to a storage device (Malone: Fig. 1, secure storage facility 138).

Claim 9 has been analyzed and rejected with respect to claim 4 above.

Re claim 10, the combined system of Hibi and Malone discloses that the video frames are originally captured images (Hibi: Fig. 1, camera portion 11 is attached to the Motion Picture Coding Portion 12 as the input for motion picture data).

Re claim 11, the combined system of Hibi and Malone discloses a majority of the features of claim 11, as discussed above in claims 8 and 9, but does not specifically disclose that the video frames are image frames obtained by sampling originally

captured images. However, The Examiner takes Official Notice that one of ordinary skill in the art at the time of the invention would have found it obvious to sample the image frames in order to reduce the amount of image data, thus reducing the amount of processing required for comparing images and the amount of bandwidth required for transmitting images.

Re claim 12, the combined system of Hibi and Malone discloses that the video frames are image frames compressed from originally captured images (Hibi: paragraph [0035], images captured by the camera).

Re claim 13 the combined system of Hibi and Malone discloses a security system comprising: a video mobile phone (Malone: paragraph [0018]; Fig. 1, capture device 102); an alarm video storage device (Malone: Fig. 1, secure storage facility 138) in cellular signal communication with the video mobile phone (Malone: paragraph [0018], "The capture device 102 could be a cell phone that has a video camera..."); and an alarm generator in signal communication with the video mobile phone (Hibi: paragraphs [0080] and [0084]).

Re claim 14, arguments analogous to those presented in claim 8 are applicable to claim 8, and, therefore, claim 14 has been analyzed and rejected with respect to claim 8 above.

Re claim 15, arguments analogous to those presented in claim 2 are applicable to claim 15, and, therefore, claim 15 has been analyzed and rejected with respect to claim 2 above.

Re claim 16, the combined system of Hibi and Malone discloses first and second input terminals (Hibi: Fig. 1, Motion Picture Coding Portion 12 may switch between two different inputs); a video converter in signal communication with the first and second input terminals (Hibi: Motion Picture Coding Portion 12); a video storage device in signal communication with at least one of the first and second input terminals (Hibi: Fig. 1, storage medium 18); and a video comparator in signal communication with the video storage device (Hibi: Fig. 1, Change detecting portion 13).

Re claim 17, the combined system of Hibi and Malone discloses the use of MPEG compression (Malone: paragraph [0022]), which must use a processing apparatus that includes a variable length decoder, a motion compensator, an inverse quantization unit, an inverse discrete cosine transformer, and a summing unit for decoding the compressed video.

Re claim 18, the combined system of Hibi and Malone discloses a video converter (Hibi: Fig. 1, Motion Picture Coding Portion 12); a compressed video generator in signal communication with the video converter (Hibi: Fig. 1, Motion Picture Coding Portion 12); and a video comparator in signal communication with the compressed video generator (Hibi: Fig. 1, Change detecting portion 13).

Claim 19 has been analyzed and rejected with respect to claim 17 above.

Re claim 20, the combined system of Hibi and Malone discloses the use of MPEG compression (Malone: paragraph [0022]), which must use a processing apparatus that includes a variable length decoder and inverse quantization unit.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Portable videophone unit

Saburi (US 20030085990 A1)

b. Videophone system for scrutiny monitoring with computer control

Katz (US 20060209178 A1)

c. Subject tracking apparatus

Sakamoto et al. (US 5559551 A)

d. Electronic and structural components of an intelligent video information management apparatus

Smith et al. (US 5822542 A)

e. Multimedia surveillance and monitoring system including network configuration

Monroe (US 6970183 B1)

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER FINDLEY whose telephone number is (571)270-1199. The examiner can normally be reached on Monday-Friday 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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